HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.20727 of 2002

Dated this the 24th day of December, 2007

Between:

Gundebommu Rayellu … Petitioner

AND

The Asst. Commissioner of Endowments,
Ongole, Prakasam District … Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.20727 of 2002

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the action of the respondents in conducting auction on 07.10.2002 in respect of the petitioner's land to an extent of Ac.4.50 cents in Survey No.136/2 situated at Deveram village, Darsi Mandal of Prakasam District is illegal and arbitrary and against the principles of natural justice and also sought for consequential relief of not dispossessing the petitioner from the land in question.

2) It is contended by the petitioner that the father of the petitioner was absolute owner of the disputed land. Their family was cultivating the same without anybody's obstruction by paying fee to the Panchayat Raj Department. The majority of the lands in his village have no registration except occupation from the forefathers onwards. The revenue records also disclose that the petitioner is in possession and enjoyment of the property. Surprisingly, a tom tom was made in the village to the effect that the leasehold rights of the disputed land will be put to auction by the Village President, as per the instructions of the authorities of the Endowments Department on 12.08.2002.

3) It is represented by the learned counsel for the

respondents 4 and 5 that for the similar relief, W.P.No.15803 of 2002 was filed and no relief was granted in the said writ petition. He further submitted that the auction period of the impugned proceedings was over, therefore, the writ petition has become infractuous.

4) The learned Assistant Government Pleader for Endowments appearing on behalf of the respondents 1 to 3 requested time to verify the correctness of the representation made by the petitioner, but he could not get any instructions.

5) Since the auction period of two years with effect from 07.10.2002 covered by the impugned notice was over, it is observed that no fresh auction was conducted. In the light of the above circumstances, the writ petition has become infractuous.

6) Accordingly, the Writ Petition is dismissed as infractuous. No costs.

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Dr.G. YETHIRAJULU, J

Date: 24.12.2007
lsn